

Regular Session, 2004

HOUSE BILL NO. 1645

BY REPRESENTATIVE SCALISE AND SENATOR HOLLIS

CONTRACTS: Prohibits the approval of state contracts under certain circumstances

1 AN ACT

2 To enact R.S. 39:1498(A)(10) and (C), relative to contract approval; to prohibit the approval
3 of certain state contracts; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 39:1498(A)(10) and (C) are hereby enacted to read as follows:

6 §1498. Approval of contract; penalties; restrictions

7 A. Before approving a proposed contract for professional, personal,
8 consulting, or social services, the director of the office of contractual review or an
9 assistant shall have determined that:

10 * * *

11 (10) In the case of drug and alcohol rehabilitation centers or group homes,
12 the using agency has confirmed and documented in writing that the contracting entity
13 is in full compliance with local zoning laws and regulations.

14 * * *

15 C. No contract with any entity listed in Paragraph (A)(10) shall be approved
16 if it is determined that such entity is in fact in violation of any local zoning laws or
17 regulations.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Scalise

HB No. 1645

Abstract: Prohibits the approval of contracts between the state and drug and alcohol rehabilitation centers and group homes under certain instances.

Present law requires the director of the office of contractual review, before approving a proposed contract, to determine that:

- (1) All provisions of R.S. 39:1497 have been complied with.
- (2) The using agency has statutory authority to enter into the proposed contract.
- (3) The contract will not establish an employer/employee relationship between the state or the using agency and any prospective contractor.
- (4) No current state employee will engage in the performance of the proposed contract except as provided for in R.S. 39:1498.2.
- (5) No using agency has previously performed or contracted for the performance of tasks which would be substantially duplicated under the proposed contract without appropriate written justification.
- (6) There has been appropriated or otherwise lawfully made available and ready for expenditure sufficient monies for payment of the services called for in the contract, at least for the applicable fiscal year.
- (7) The contracting using agency has specified the purpose, duration, specific goals and objectives, measures of performance, and a plan for monitoring the services to be provided under the contract.
- (8) The using agency has a written plan for the monitoring of the contract and such monitoring plan has been submitted in accordance with rules and regulations adopted by the office of contractual review.
- (9) The provisions of R.S. 12:25(E) have been complied with, if the contract is with a business corporation, the provisions of R.S. 12:205(E) have been complied with, if the contract is with a nonprofit corporation, or the provisions of R.S. 12:304(A)(11) have been complied with, if the contract is with a foreign corporation.

Proposed law adds a determination that in the case of drug and alcohol rehabilitation centers or group homes, the using agency has confirmed and documented in writing that the contracting entity is in full compliance with local zoning laws or regulations. Further prohibits the approval of such contracts if such entities are in fact in violation of local zoning laws or regulations.

(Adds R.S. 39:1498(A)(10) and (C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Adds requirement that the using agency confirm and document that the contracting entity is in compliance with local zoning laws and regulations.